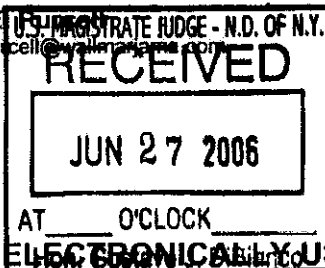




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June 26, 2006

**FILED ELECTRONICALLY USING CM/ECF**

Honorable Gustave J. DiBianco  
United States Magistrate Judge  
United States Courthouse  
P.O. Box 7396  
100 South Clinton Street  
Syracuse, NY 13261

*- Dkt # 59*  
*ORDER - page 2*

**Re: Haritatos v. Hasbro**  
**Civil Action No. 05-CV-930**  
**Our File No. 115\_003**

Dear Magistrate Judge DiBianco:

Plaintiff, Spero Haritatos, hereby requests that the dates for submitting expert reports be rescheduled and therefore that the discovery cut-off date also be rescheduled. In a telephone conference with your Courtroom Deputy Clerk, Kathy Gridley, on June 26, 2006, she recommended that the Plaintiff raise the request through the electronic submission of a letter brief.

Plaintiff's expert report, Defendant's expert report, and rebuttal expert reports are currently due July 1, 2006, August 15, 2006, and August 30, 2006, respectively. The discovery completion date is currently set for September 29, 2006.

Plaintiff requests that the expert report dates be rescheduled because a vast amount of factual discovery has not yet been completed, and because the results of that discovery will likely be needed for review by any experts and the preparation of expert reports. For example, Plaintiff's depositions of each of the Defendants representatives have been postponed such that depositions of certain personnel of Defendant Toys "R" Us are currently scheduled for July 10 & 11, 2006, and depositions of certain personnel of Defendant Hasbro are currently scheduled for August 14-16, 2006. In addition, Plaintiff is awaiting the complete response from Defendant Toys "R" Us to Plaintiff's April 18, 2006 letter concerning continuing problems with Defendant Toys "R" Us's initial disclosures and discovery responses and document production.

Plaintiff sent e-mails to the counsel for both Defendants on June 15, 2006 and again on June 21, 2006 requesting their positions concerning a proposed rescheduling of the deadlines for submitting expert reports. To date, Defendants' counsel have not provided

Magistrate Judge DiBianco  
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any response.

Plaintiff prays that the scheduled dates for expert reports be postponed, and that they be rescheduled for October 20, November 8, and November 30, 2006, respectively. Plaintiff also requests that the discovery cut-off date of September 29, 2006 be concurrently rescheduled to December 29, 2006.


Respectfully Submitted,  
WALL MARJAMA & BILINSKI LLP

  
Robert E. Purcell

REP/jml  
cc: Kim J. Landsman, by e-mail  
John McGowan, by e-mail

7/6/06  
ORDER - Dkt # 59

The court will consider this request to extend deadlines in a telephone conference call which will be stenographically recorded. Attorney Purcell is responsible for arranging the telephone conference and a stenographer to record the conference.

The court presently has 2 dates available. Wednesday July 19th at 10:30 or 11 AM or 3pm and Thursday July 20th at 10:00 AM. The attorneys are directed to confer and select and confirm one of these choices.   
USMT